

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

GEORGE A. TOLIVER,

Plaintiff,

vs.

LVMPD, et al.,

Defendant.

Case No. 2:14-cv-00906-RFB-GWF

ORDER

This matter is before the Court on Plaintiff's Motion For Service of Subpoena by U.S. Marshal (#40), filed on January 12, 2016. Also before the Court is Plaintiff's Motion for Service by Publication (#41), filed on April 13, 2016.


Plaintiff requests that the Court instruct the U.S. Marshals to serve the Las Vegas Metropolitan Police Department ("LVMPD") with the Subpoena (#39) issued on January 12, 2016. Plaintiff represents that he has made good faith attempts to serve the subpoena on LVMPD but has been unsuccessful. The Court finds good cause to grant Plaintiff's request. However, Plaintiff's subpoena does not comply with Rule 45 of the Federal Rules of Civil Procedure. Specifically, Plaintiff's subpoena does not contain a specified time and place for LVMPD to respond to the request contained therein. *See* Fed. R. Civ. P. 45(a)(1)(iii). Generally, a subpoenaed party is given fourteen (14) days to respond. Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion For Service of Subpoena by U.S. Marshal (#40) is **granted**. Plaintiff shall submit to the Court a revised subpoena to LVMPD that complies with Rule 45 of the Federal Rules of Civil Procedure. Once that subpoena is received and issued by the Court, the U.S. Marshals shall serve it upon LVMPD.

1 **IT IS FURTHER ORDERED** that Plaintiff shall have sixty (60) days from the date the
2 subpoena is served upon LVMPD to provide the Court with proof of service of the summons and
3 complaint on Defendant Officer Cole.

4 **IT IS FURTHER ORDERED** that Plaintiff's Motion for Service by Publication (#41) is
5 **denied** without prejudice.

6 DATED this 18th day of April, 2016.

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9 GEORGE FOLEY JR.
United States Magistrate Judge